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FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

RM No. \_\_\_\_\_

# PETITION FOR RULE MAKING

	<u>Present</u>	<u>Proposed</u>
Dilley, Texas	255C1 264A	255C2, 265A, 237A
Pearsall, Texas	237A, 281C1	281C1, 227A

## Dismissal of Pending Request

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full Class A facilities on the substituted channel and thereby substantially improve its service to Pearsall and surrounding areas. In order to accommodate the allocation plan proposed herein, which affords a preferential allotment scheme, it is requested that Petitioner's pending petition, filed April 16, 2002, be dismissed.

### **The Substitute Proposal**

The attached engineering statement shows that Channel 237A may be allocated to Dilley, Texas, at a site 2.7 kilometers east of the Dilley reference coordinates, consistent with all separation requirements, and that city-grade service to Dilley can be provided from that location. The engineering statement also confirms, as shown in the April 16, 2002 petition, that Channel 227A can be allocated to Pearsall consistent with the same FCC requirements.

The proposed changes preserve the advantages of the Pearsall channel substitution originally advanced. Channel 227A would be substituted for KVWG-FM's Channel 237A at Pearsall, thus replacing a short-spaced facility now operating with only 100 Watts, with a fully-spaced station on Channel 227A that will provide service to a substantially greater area and population. As shown in the engineering statement, at the proposed reference coordinates for Channel 227A at Pearsall, the substitute channel, when compared to KWVG-FM, would increase the 60 dBu coverage area from 167 square kilometers to 2,500 square kilometers, and 60 dBu population coverage would increase by 95%, from 8,273 to 16,109 persons.

Petitioner pledges to apply for the new frequency and, if successful, construct and operate a new FM station at Pearsall.

The proposed changes also will make available to Dilley a second local service and a first competitive service. Dilley's only local broadcast service is Station KLMO-FM, Channel 255C1 (Facility Identification No. 16931). Channel 264A was allocated to Dilley in MM Docket 01-200, effective September 16, 2002, **Report** and Order, DA 02-1876 (released August 2, 2002). However, the Commission has not opened a window for the filing of applications for this allocation, and will not do so until new auction procedures are adopted in response to the D.C. Circuit Court of Appeals' decision in *National Public Radio, Inc. et al, v. FCC*, 254 F 3d 226 (DC Cir 2001). See Public Notice, DA 01-2148 (released September 14, 2001). Once new auction procedures are developed, normal delays in auction scheduling and the subsequent processing of the winning bidder's application could postpone the activation of Channel 264A at Dilley even longer. Petitioner's proposal to move Station KWVG-FM to Dilley affords a more efficient and expeditious means to fill the need for a second local service at Dilley, which is demonstrated below.

Channel 237A can be allocated to Dilley as a full Class A facility with none of the coverage disabilities that handicap it at Pearsall. The attached engineering statement shows that KWVG-FM, from the reference coordinates, will serve 18,869 persons within an area of 2,513 square kilometers as compared to the 8,273 persons within the 167 square kilometers now served. This is a 128% increase in population served within an area that is 15 times larger than the current KWVG-FM service area. These public interest benefits are in addition to the expeditious establishment of a second and competitive local service at Dilley. If this allocation request is approved, Petitioner

pledges to file a minor change application and, upon approval, promptly relocate Station KVVWG-FM to Dilley and operate the station from that community.

### **Dilley, Texas**

Dilley needs and can support another radio station. According to the Handbook of Texas Online, [www.utexas.edu/handbook/online](http://www.utexas.edu/handbook/online), Dilley has grown from a railroad town of 50 persons in 1896 to an incorporated city of 2632. The city has its own police department, water plant, tax office, housing authority, public library, independent school district and high school, medical clinic, bank and nine churches. See <http://dilleytx.areaquides.net/yellow.html?city=Dilley&ST=TX>. In Frio County, where Dilley is located, US Census data shows that the five largest employment sectors with their respective payrolls, and county-wide payroll, are:

<b><u>Sector</u></b>	<b><u>No. of Employees</u></b>	<b><u>Payroll (\$1,000)</u></b>
Health care and social assistance	457	8,898
Retail trade	455	6,959
Accommodation and food services	214	1,804
Wholesale trade	154	3,699
Finance and insurance	104	2,766
All sectors	2,017	37,169

This demonstrates that the community has moved from an agriculture-based economy to one which is service-based, and that jobs in the county now produce over \$37 million in income. Additionally, the State of Texas has established a new 1000-bed prison in Dilley, which has provided more new jobs and spurred growth. All of this makes Dilley an ideal location for a new radio station.

### **Media Outlets**

Currently, KLMO-FM is Dilley's only radio station. There are no daily or weekly newspapers published in Dilley.

Pearsall, in contrast, will continue to be served by Station KMFR(FM) (Facility Identification No. 83596) and KVWG(AM) (Facility Identification No. 52048), both Pearsall, as well as by the *Frio-Nueces Current*, a weekly newspaper published in Pearsall. The proposed new allocation of Channel 227 to Pearsall would provide an additional full-time local service at such time as the Commission adopts and implements new procedures to accommodate the auction of commercial facilities.

### **Conclusion**

The public interest would be served by adoption of Petitioner's proposal. The reallocation of Channel 237 from Pearsall to Dilley would allow for full utilization of that channel, which now is a substandard, short-spaced facility. The new channel proposed for Pearsall (227A) would be fully spaced and otherwise accommodate a six-kilowatt Class A facility as a replacement for KWG-FM. Dilley has a sufficient population and economic base to support a new station, and Petitioner's proposal would afford a more expeditious means of establishing a second station in the community than would the long process of waiting for an auction window for recently-allotted Channel 264A. Moreover, Petitioner will apply for and construct at Dilley, and Pearsall, should the Commission adopt this proposal. The ultimate result will be a new local service at Dilley with no loss of service at Pearsall.

**WHEREFORE,** It is respectfully requested that the Commission reallocate Channel 237A from Pearsall to Dilley, Texas and modify KVWG-FM's license accordingly, and allot Channel 227A to Pearsall, Texas.

Respectfully submitted,

**PEARSALL RADIOWORKS, LTD**

By

  
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November 19.2002

## ALLOCATION STATEMENT

This statement is prepared on behalf of Pearsall Radio Works, Ltd. ("PRW"). This is a proposal to provide a second radio service to *Dilley*, Texas, moving KVWG from Pearsall, Texas to Dilley, Texas.

	Has	Delete	Add
Pearsall, Texas	237A, 281C1	237A	227A
Dilley, Texas	255C1, 264A	--	237A

### Dilley, Texas, Channel 237A

This proposal requests the move of KVWG-FM 237A to Dilley, Texas as a third radio service. The proposed reference coordinates for Dilley Channel 237A are:

Latitude ~~28~~39'55" North, Longitude 99°08'35" West

This site is 1.7 kilometers east of the reference coordinates of Dilley, Texas. From this site the entire city of Dilley will be served with the 70-dBu contour as required by §73.315(a) and §73.315(b) of the FCC Rules as shown in Exhibit B. Exhibit **A** is an allocation study of this site as Class **A**. This demonstrates compliance with all requirements as set forth in §73.207 of the FCC Rules, except as it relates to KVWG-FM, as it is mutually exclusive.

Using this reference coordinate, the coverage of this proposed site was calculated according to §73.313 of the Rules. The 60-dBu (1 mV/m) contour will encompass 2,513 square kilometers and 18,869 persons. Dilley, Texas is designated as a City in the US Census and has a population of

and 18,869 persons. Dilley, Texas is designated as a City in the US Census and has a population of 3,674 persons. This is contrast to the short-spaced licensed facility that serves 167 square kilometers and 8,273 persons.

Pearsall, Texas, Channel 277A

This channel is an alternate proposed channel to replace the current licensed channel to move to Dilley. The proposed reference coordinates for Pearsall Channel 277A are the licensed coordinates for KVWG:

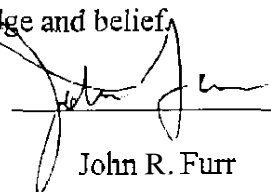
Latitude 28°53'13" North. Longitude 99°06'40" West

This site is within the city of Pearsall, Texas. From this site the entire city of Pearsall will be served with the 70-dBμ contour as required by §73.315(a) and §73.315(b) of the FCC Rules as does the licensed facility of KVWG. Exhibit C is an allocation study of this site as Class A. This demonstrates compliance with all requirements as set forth in §73.207 of the FCC Rules.

Using this reference coordinate. the coverage of this proposed site was calculated according to §73.313 of the Rules. The 60-dBu (1 mV/m) contour will encompass 2,500 square kilometers and 16,109 persons. Pearsall, Texas is designated as a City in the US Census and has a papulation of 7,157 persons.

I, John R. Furr, ani a Communications Consultant and I represent Pearsall Radio Works. My qualifications are a matter of record with the Commission. All statements made herein are true and correct to the best of my h o wledge and belief.

November 15.2002



John R. Furr



# Pearsall Radio Works, Ltd., KVWG-FM, Dilley, Texas

## Exhibit A – Allocation Study

FM Study for: KVWGFM                      FCC Database Date: 11/1/2002                      28-39-55  
 Location: DILLEY, TX                      Channel Class: 'A'                      99-08-35  
 [\*] by HAAT indicates calculated as missing in database.  
 Call City, State                      Chan Class Freq kW Latitude Dist. Required  
 Status Proponent                      File Number HAAT Longitude Azm. Clear (km)

>>>>>>> Study For Channel 237 95.3 MHz <<<<<<<<

ALLOCR	PEARSALL, TX	237 A	95.3		28-53-13	24.8	115	
DEL		RM-20spm100		0	99-06-40	7.2	-90.2	SHORT
KVWGFM	PEARSALL, TX	237 A	95.3	.100	28-53-13	24.8	115	
LIC	Fac. No. 52047	BLH-20000501ACI		50	99-06-40	7.2	-90.2	SHORT
	Use of 73.215 for short spacing requires:						92	-67.2 SHORT
ALLOC	LAMPASOS, NL	237 C	95.3		27-01-17	226.85	226	
	Fac. No. 94847			0	100-30-36	216.8	+0.85	CLOSE
XHLPZF	LAMPASOS, NL	237 C	95.3	100.	27-01-17	226.85	226	
	Fac. No. 94847	-		600	100-30-36	216.8	+0.85	CLOSE
KCORFM	COMFORT, TX	236 C1	95.1	100.	29-50-26	133.87	133	
LIC	Fac. No. 25469	BLH-20000501ACH		282	98-49-32	13.3	+0.87	CLOSE
KBUC	JOURDANTON, TX	239 C3	95.7	12.5	28-56-59	60.2	42	
LIC	Fac. No. 55414	BLH-20001129AAB		141	98-37-05	58.3	+18.2	CLEAR



# Pearsall Radio Works, Ltd., KVWG-FM, Dilley, Texas

## Exhibit C - Allocation Study

FM Study for: ALLOCR                      FCC Database Date: 11/1/2002                      28-53-13  
 Location: PEARSALL, TX                      Channel Class: 'A'                      99-06-40  
 [\*] by HAAT indicates calculated as missing in database.  
 Call City, State                      Chan Class Freq kW Latitude Dist. Required  
 Status Proponent                      File Number HAAT Longitude Azm. Clear (km)

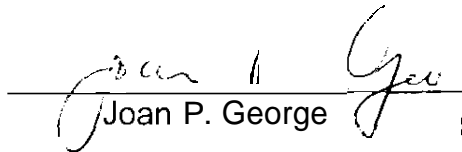
>>>>>>> Study For Channel 227 93.3 MHz <<<<<<<<

ALLOCR	PEARSALL, TX	227 A	93.3		28-53-13	0.0	115	
ADD		RM-20spm100	0		99-06-40	0.0	-115.0	SHORT
KXMG	CEDAR PARK, TX	227 C	93.3	100.	30-43-34	230.9	226	
LIC	Fac. No. 23604	BLH-20020404AAD	587		97-59-23	27.7	+4.9	CLOSE
ALLOC	KILLEEN, TX	227 C	93.3		30-43-34	230.9	226	
USE	Fac. No. 23604		0		97-59-23	27.7	+4.9	CLOSE
KMFR	PEARSALL, TX	281 C1	104.1	100.	28-44-53	30.8	22	
CP	Fac. No. 83596	BMPH-20001103ABR	299		98-50-14	119.9	+8.8	CLOSE
ALLOCR	LAREDO, TX	227 A	93.3		27-48-03	125.1	115	
ADD		RM-	0		99-27-37	196.0	+10.1	CLOSE
ALLOCR	LAREDO, TX	227 A	93.3		27-48-03	125.1	115	
ADD		RM-kms45	0		99-27-37	196.0	+10.1	CLOSE
ALLOC	CARRIZO SPRINGS, TX	228 A	93.5		28-31-12	88.4	72	
VAC	Fac. No. 72641	-	0		99-54-52	242.8	+16.4	CLEAR
KMFR	PEARSALL, TX	281 C1	104.1	100.	28-43-16	38.7	22	
LIC	Fac. NO. 83596	BLH-20020712AAC	299		98-45-43	118.2	+16.7	CLEAR
KROM	SAN ANTONIO, TX	225 C1	92.9	45.0	29-16-29	93.0	75	73.215
LIC	Fac. No. 67071	BLH-19970530KA	412		98-15-52	62.3	+18.0	CLEAR

Certificate of Service

I, Joan P. George, a secretary in the law firm of Fletcher, Heald & Hildreth,  
do hereby certify that a Petition *for* Rule Making was sent this 19<sup>th</sup> day of November,  
2002, by hand to the following:

Sharon P. McDonald, Esq.  
Media Bureau  
Federal Communications Commission  
The Portals II, Room 3-A226  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

  
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Joan P. George 0